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Weekly Safety Tip

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March 6, 2017

SCI Safety Tip: Fall Prevention Training for General Industry Employees (Part 1)

By Karen Hamel, CSP, WACH

Source: <http://www.ehs.today.com>

Date: February 3, 2017




OSHA's efforts to revise and update the existing walking-working surfaces standard for general industry have been ongoing since 1973. A focus of the update is employee training. Here's what you need to know.

In 2016, OSHA passed a final rule expanding the scope of the existing walking and working surface standard for general industry and adding a fall protection standard for general industry; acknowledging that many general industry workers face similar types of fall hazards as those in construction. More than 25 years in the making, the new rule requires general industry employers to identify fall hazards in their workplace and establish plans and procedures to ensure that slip and fall hazards on floors, roofs, stairs, ramps, dockboards, scaffolds, elevated platforms and other walking-working surfaces are guarded. The rule also establishes specific requirements for workplaces that use personal fall protection systems as a means of protecting employees from fall hazards to ensure that the components, devices and equipment that will be used are adequately rated and that employees are properly trained to use them.

SCI Safety Slogan



James Lehrke-SCI



Under the old rule, which was established in 1971, guardrails were the primary method of fall protection that employers were required to use when guarding against fall hazards. The new rule is performance-based, acknowledging that guardrails aren't always the best way to protect workers from falls; and it provides employers with the flexibility to determine the most effective methods of guarding their workers from specific fall hazards.

OSHA's long-established rule for fall protection in the construction industry provides a framework for employers to identify fall hazards and establish the necessary plans and procedures to keep workers who perform various construction jobs at heights safe. Until recently, workers in general industry have not had a similar set of protective standards.

Wherever possible, the general industry rule mirrors the construction standard to help avoid confusion, especially in workplaces where both general industry and construction activities may occur. An example of this is the requirement to train employees which, according to the Federal Register, principally was drawn from the existing construction fall protection standard.

Training Is Necessary

Establishing plans and procedures to prevent workplace fall hazards are two important steps in preventing incidents. But without adequate training, employees aren't likely to know these elements exist or how they protect them from harm. As part of the final rule, OSHA established training requirements that outline what employees who may be subject to fall hazards need to know before they are exposed to a fall hazard [29 CFR 1910.30(a) (1)].

"OSHA believes that the new training requirements are necessary, and effective worker training is one of the most critical steps employers can take to prevent employee injuries and fatalities," according to the Federal Register notice. The AFL-CIO, American Society of Safety Engineers (ASSE) and other industry groups support this requirement and acknowledge that training is an essential element of this rule.

Like other requirements in the final rule, the training requirements are performance-based, allowing employers the flexibility to choose the methods that they feel are most effective. Employers may use classroom, audio-visual, demonstrations, field training, web-based, computer-based or other forms of training to meet the requirements of the standard. No matter which method(s) are chosen, training must be performed by a qualified person [29 CFR 1910.30(a) (2)] and if web, video or computer-based methods are used, a qualified person must be available to answer questions.

Although the qualified person does not need to have a formal degree, he or she must have extensive knowledge of "the types of fall hazards, how to recognize them and the procedures to minimize them; the correct procedures for installing, inspecting, operating, maintaining and disassembling personal fall protection systems and other equipment." Internal personnel, outside personnel (such as vendors) or a combination of the two may be used to meet the training requirements.

To be effective, training must be understandable [29 CFR 1910.30(d)]. For some employers, this may mean conducting training in multiple languages or employing different training methods. Even if the only training they need to receive is to stay out of posted affected areas where fall hazards are present, this training only is valuable if they understand that a hazard is present and how their restriction from being in an affected area protects them. *Continued next week*

SCI OSHA: OSHA Penalties Keep Changing, But the OSH Act Remains the Same (Part 1)

Source: <http://ehstoday.com>

By: Travis Vance

Date: March 2, 2017

Federal OSHA (OSHA) increased its maximum penalties last summer for the first time since 1990. The increase occurred pursuant to a new law requiring federal agencies to adjust penalties to account for inflation. However, the [OSH Act](#), which specifically provides the maximum penalties OSHA can administer, was not amended. It still prevents OSHA from issuing penalties higher than the levels set in 1990.

In other words, OSHA has enacted regulations that permit penalties higher than those allowed by the OSH Act. In light of the conflict between the new OSHA regulations and the OSH Act, can employers legally challenge this increase?

New Penalty Amounts

Effective Aug. 1, 2016, OSHA increased [the top penalty](#) for serious citations to \$12,471 and \$124,709 for willful and repeat citations. This change became effective immediately for citations issued by the federal agency, while most state plans have been reluctant to increase their fines. Just prior to inauguration day, [the agency again increased the penalties](#) (to \$12,675 for serious and \$126,749 for repeat/willful citations) on Jan. 13 due to inflation.



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Quick Tips for Healthy Living

Stretching: Not Just for Athletes

You don't have to be a marathon runner or baseball player to reap the benefits of stretching. Whether or not you have a physically demanding job or participate in recreational physical activities, stretching is important!

Not only does stretching improve flexibility, but it also helps increase blood flow and reduces the risk of injury. People who stretch on a regular basis experience less pain, are able to move more freely, and find it easier to perform daily tasks.

Once you decide what muscle groups you are going to stretch, follow to guidelines below to ensure you are getting the most out of the exercise.

1. Maintain a proper biomechanical position for the body part you are stretching
2. Stretch only until you feel a gentle pull in your muscles, never to the point of burning or pain.
3. Never bounce while stretching.
4. Hold the stretch until the feeling of mild tension begins to ease (generally 15-30 seconds).
5. Breathe, do not hold your breath. Inhale as you stretch, then slowly exhale as you follow through with the stretch.
6. Relax.
7. Repeat stretches on both sides, generally 2-3 times or until you feel "stretched out".

It is normal to experience soreness 24-48 hours after starting a new activity, but that discomfort will subside with activity and gentle stretching. Stop activity and contact your medical provider if you have pain, tightness, or pressure in your chest or left neck, shoulder or arm, feel dizzy or sick, break out in a cold sweat, have muscle cramps, or feel pain in your joints.

Stretching can be a fun family activity and results can be noticed in as little as 2-4 weeks!

The Federal Penalties Inflation Adjustment Act
 OSHA's penalty increase occurred pursuant to the [Federal Penalties Inflation Adjustment Act Improvements Act of 2015](#) (the "Inflation Law"), which directs agencies to adjust their penalties for inflation to "catch up" for the lack of previous increases, and every year thereafter:

- (1) *Catch up adjustment.* For the first adjustment made under subsection (a) after the date of enactment of the *Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* [Nov. 2, 2015]
- (A) the head of an agency shall adjust civil monetary penalties through an interim final rulemaking; and
- (B) the adjustment shall take effect not later than August 1, 2016.
- (2) *Subsequent adjustments.* For the second adjustment made under subsection (a) after the date of enactment of the *Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015*, and each adjustment thereafter, the head of an agency shall adjust civil monetary penalties and shall make the adjustment notwithstanding section 553 of title 5, *United States Code*.

The OSH Act Never Was Amended

Pursuant to the Inflation Law, OSHA changed its regulations effective Aug. 1, 2016 to include the increased penalty amounts set forth above. The new regulations specifically refer to the penalty provisions of the OSH Act, at 29 U.S.C. § 666(a). However, the OSH Act never was amended to reflect the increase found in the regulations, **unlike in 1990**, when Congress altered the OSH Act to provide for higher penalties. A **bill to amend the OSH Act** to reflect the higher penalties was introduced in the House of Representatives on Feb. 7, but has not yet passed. Despite the terms of the Inflation Law, the OSH Act still mandates that OSHA issue penalties no higher than the levels set in 1990 (\$7,000 for serious citations; \$70,000 for repeat/willful citations). A side-by-side comparison of OSHA's revised penalty regulations and the unchanged, current version of the OSH Act, demonstrates this discrepancy:
 Continued next week.

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